

**Amendment and Response**

Applicant: N. Lee Rhodes

Serial No.: 09/919,527

Filed: July 31, 2001

Docket No.: 10013111-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR UPDATING STATISTICAL MODELS

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**REMARKS**

The following remarks are made in response to the Office Action mailed February 25, 2008. Claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46 and 47 are pending. Claims 23, 24, 37, 42, 44, 46, and 47 have been allowed. Claims 1, 6, 7, 9-12, and 14-22 were rejected. With this Response, claim 1 have been amended. Claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46 and 47 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1, 6, 9-10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over the Dietz et al. U.S. Patent No. 6,839,751 in view of the Rosenberg et al. U.S. Patent Application Publication No. 2003/0023951 and the Steinbiss et al. U.S. Patent No. 6,823,307.

With this response, claim 1 is amended to specify generating a statistical model from a set of usage data record events *from the stream of network usage data*. Claim 1 also includes the feature that updating the statistical model includes updating only the aggregation of record events in the tracking table for that identifier. The Examiner has indicated that these are the features that are not shown in the art of record that rendered the other pending claims allowable. As such, claim 1 as amended is now also in condition for allowance, as are the claims that depend from it.

The Examiner rejected claims 7, 11, and 14-22 under 35 U.S.C. § 103(a) as being unpatentable over the Dietz et al. U.S. Patent No. 6,839,751, the Rosenberg et al. U.S. Patent Application Publication No. 2003/0023951 and the Steinbiss et al. U.S. Patent No. 6,823,307, and further in view of the Aboulmaga et al. U.S. Patent No. 6,460,045.

Since these claims depend from claim 1, they too are allowable for the same reason. Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections to the claims, and request allowance of these claims.

**Allowable Subject Matter**

Claims 23, 24, 37, 42, 44, and 46-47 are allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46 and 47 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46 and 47 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Paul P. Kempf at Telephone No. (612) 767-2502, Facsimile No. (612) 573-2005 Adam Franks at Telephone No. 33 4 76 14 46 32 , Facsimile No. ( ) - . In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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PPK:cmj:mlm

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